

EXHIBIT 5

From: [Matthew C. Barneck](#)
To: [Andrew Deiss \(adeiss@deisslaw.com\)](#); [Wesley D. Felix \(wfelix@deisslaw.com\)](#); [Corey Drew Riley \(criley@deisslaw.com\)](#)
Cc: [Zachary E. Peterson](#)
Subject: Alexander, et al. v. Smash Solutions, et al.
Date: Thursday, January 2, 2020 2:45:00 PM
Attachments: [19C6771-Smash Technology's Responses t.PDF](#)
[19C6779-Alexander's Responses to First.PDF](#)
[19L8110-MCB to D. Reid re meet and con.PDF](#)
[19M3946-Second RPD to Plaintiff Michae.PDF](#)
[19Z6377-MCB to Reid - meet and confer.PDF](#)

Gentlemen:

Now that you have appeared for the Plaintiffs, we propose a phone conference soon to discuss the status of the case. In our view, the Plaintiffs have fact discovery obligations that are past due. Attached are copies of some discovery requests and responses, along with two meet-and-confer letters. There may be other issues for us to discuss as well.

Please let us know if you have time to coordinate by phone this coming week. Thank you.

Matthew C. Barneck



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